

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL KISSICK,

Plaintiff,

v.

ORDER

13-cv-99-wmc

MICHAEL HUEBSCH, in his official capacity as
Secretary of the Wisconsin Department of
Administration, and DAVID ERWIN, in his official
Capacity as the Chief of the Wisconsin Capitol
Police,

Defendants.

On February 11, 2013, plaintiff Michael Kissick filed this lawsuit asserting claims under the First and Fourteenth Amendments stemming from allegations that: (1) defendant Michael Huebsch, in his capacity as Secretary of the Wisconsin Department of Administration, has developed a State Facilities Access Policy that requires a permit for “[a]ny performance, ceremony, presentation, meeting or rally” in the Capitol, but not for tourist activities, visits with elected officials, or passage to legislative, executive or judicial chambers or offices; (2) the Policy allows the Department to charge an “advance payment” for law enforcement expenses as a condition for granting any permit; (3) in September 2012, defendant David Erwin, Chief of the Capitol Police, began enforcing the permit requirement and issuing citations against various protestors in the Capitol; and (4) the fear being issued a ticket has caused plaintiff Michael Kissick to refrain from protesting at the capitol. (*See* dkt. #1, ¶¶ 9-34.)

With his complaint, plaintiff also filed a motion for preliminary injunction. (Dkt. #2.) Accordingly, IT IS ORDERED that:

- (1) Plaintiff promptly file proof of service of the summons, complaint, motion and support documents; and
- (2) Upon receipt of proof, the court will schedule a short scheduling conference to set appropriate deadlines for consideration of plaintiff's motion for a preliminary injunction.

Entered this 14th day of February, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge